File No. 525(17)

19 31.

Collection No.

(6)

Mysore Residency

Bangalore.

Pros. Serial Nos. 1-4

Subject.

Grant of a pension to Mrs. Kashikar, late Lady Health Visitor of the Station Municipality.

Previous References.	Later References.
	D. Dis. 4-7-31

S. 97.—(Blue).

MFP—168S&P—(M-184)—11-8-34—60,000.

NOTES AND PRECIS.

FILE No. 525 (17) 1931

Section. File No.

Heading. Serial No.

NOTES.

DEPT. BRANCH.

Pros. 19 . Nos.

Subject.

Grant of a pension to Mrs. Kashikar, late Lady Health Visitor of the Station Municipality.

Notes and Orders.

S. 1.

SGPI—FP—379DCFMis.—4-12-24—2,00,000.

S.N. 1.

Letter No. 5482/32, dated the 11th October 1932 from the President, Municipal Commission, C & M Station Bangalore.

Mrs. G. Kashikar, late Lady Health Visitor, Health Department, has been recommended for a full pension, that is, Rs. 20-13-0 per mensem. As she was removed from service under Article 353 of the Civil Service Regulations she is eligible only for two thirds of the pension. Clause (2) of the Article above referred to reads as follows :-

" The allowance granted to any officer shall not exceed two-thirds of the pension which would have been admissible to him if he had retired on medical certificate."

The file may be sent U/O to the President, Municipal Commission, C & M Station, Bangalore, for favour of remarks.

Sheriff
18.10.32
22.

Mrs. G. Kashikar had put in a service of 9 years, 9 months and 17 days. Under article 474 of the C.S.R. only ~~people~~ officers with a service of 10 years or more would be entitled to a pension, those with less service being eligible only for a gratuity. To enable Mrs. Kashikar to draw a pension instead of a gratuity, the Municipal Commission requests that the deficiency of 2 months

and

and 13 days in her service may be condoned under article 423(1) of the C.S.R. The Resident is competent to grant the request and it may, if approved, be granted.

The Resident has also been requested to accord sanction to the payment of a pension of Rs.20-13-0 to Mrs. Kashikar. She was drawing a pay of Rs.125/- per mensem and the pension recommended is 10/60 of Rs.125/- = Rs.20-13-0 in accordance with article 474 C.S.R. In paragraph 2 of p.u.c. it is stated that Mrs. Kashikar was removed from service under article 353 of the C.S.R. . Under proviso 2 to this article, the allowance granted to her shall not exceed 2/3 of the pension which would have been admissible to her if she had retired on medical certificate. It would therefore appear that she is eligible only for a pension of 2/3rd of Rs.20-13-0. How the full pension of Rs.20-13-0 is recommended is not clear. The special circumstances explained in paragraph 2 of p.u.c. have been advanced for condoning the deficiency of service referred in the preceding paragraph and not for granting the full pension of Rs.20-13-0. The p.u.c. does not state how we can get over the 2nd proviso to article 353 C.S.R. The file may, as suggested above, be sent to the President, Municipal Commission, U.O. for remarks.

vide application for pension attached to P.U.C.

23.10.32

To

The President,

Municipal Commission, C & M Station,

Bangalore.

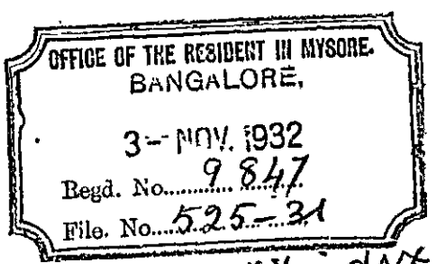
U/O No. 7220

Dt. 26th Oct 1932

who is also Financial Adviser.

6 The Municipal Commission were guided by the opinion of the Municipal Auditor that the Lady Health Visitor may be removed from service under Article 353* C.S.R. and a recommendation made to the Resident for giving her the full pension or gratuity admissible for her total service instead of 2/3rds ordinarily admissible under that rule. They are in favour of granting her full pension, as a matter of grace, in the peculiar circumstances of her case and the Hon'ble the Resident is competent to waive the condition imposed by the proviso to Article 353 C. S. R.

* (R)



1.11.32

President, M. C.

To

Nil indnt
30.11.32 1/11/32
1/11

The Secretary to the Hon'ble the Resident in Mysore, Bangalore, U. O.

W. O. No. 5482/32 dt 1-11-1932.

with p.p. + 1 copy of C.S.R.

2/11

Please see para 6 ante.

7 In the circumstances explained by the President, Municipal Commission, C & M Station, Bangalore, the full pension of Rs20-13-0 may be sanctioned.

to Mrs. Kashikar

8 In the p.u.c. the pension is recommended with effect from the 31st August 1932, which is not correct, as she was on duty on that date. It may be sanctioned with effect from the 1st September 1932.

† vide Slip M (Reverse)

§ vide item 13 on the 1st. page of flag M

Draft submitted.

(For precedent please see *S.N. 4/484-28)

* G

Sheriff
4.11.32

(From para 1)

9/11/32

U.K.

Has this received back from Secy this morning without orders. May be sent again for evening along with the files

11.11.32

Secy. 9

Is the precedent on all fours with this case?

11/11

Received on 14.11.32

R.T.S

Please see para 9 ante.

P.U.C. G

(10)

The case of Mr. Perumal Naidu in the precedent is similar to the case of Mrs. Kashikar in so far as condonation of shortage of service is concerned. It differs from the case of Mrs. Kashikar in that the former is a case of superannuation pension while the latter is one of compensation pension.

(11)

Unlike Mr. Perumal Naidu, Mrs. Kashikar was removed from service under Article 353 of the Civil Service Regulations. Under proviso 2 to that Article, she is eligible only for a pension of 2/3 of Rs 20-13-0; but the Commission is in favour of granting her a full pension as a matter of grace. ~~In this connection please see the U/O note of President, Municipal Commission at para 6 ante~~ This, the Resolution is competent to sanction under Sections 21 & 22 of the B'lore Municipal Laws.

(12)

~~For orders whether the~~ Draft may issue?

Sheriff
21.11.32

(From para 9)

P. 91.C

(13) I am not in the least satisfied that Resident can grant a full pension under sec 22 of the Bglore Municipal Law. That section clearly deals with giving a gratuity or purchasing an annuity, to an officer who is not entitled to a pension under sec 21. But he is entitled to a pension under Art 351 and I personally do not see how the lady can get a pension of more than 2/3 rds as laid down in C.S.R. 352(2).

Will Govt Pleader kindly advise.

28/11/32.

(From para 1)

To

The Govt. Pleader,
C & M Station, Bangalore.

U/O No. 8062.
Dt. 29th Nov 1932

(14) Though under other circumstances, Mrs. Pasikar may have been entitled to pension, considering the reason for her removal from service, she is not eligible for one at all under Section 353 of the Civil Service Regulations but may be granted a compassionate allowance. Such compassionate allowance under the Civil Service Regulations cannot however ordinarily exceed 2/3 rds of the regular pension.

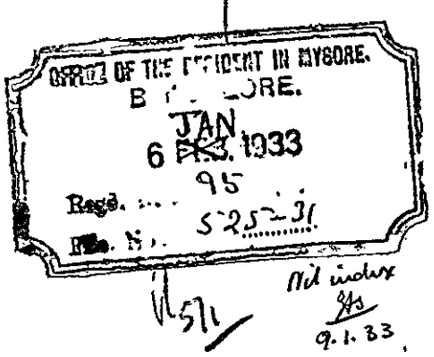
of R.

pages 6 and 7 (15) On reading sections 21 and 22 of the Bangalore Municipal Law, it appears to me that it is only in the matter of pensions that the Civil Service Regulations apply to Municipal servants and not in the matter of compassionate allowances. The amount of a gratuity or annuity is left to the Municipal Commission provided that sanction therefor is obtained from the Resident.

(16) The resolution of the Municipality has not

been happily worded and there seems to have been a miscomprehension of the technical position and the Commission in effect resolved to grant an annuity, payable in monthly instalments of Rs 20/13, by way compassionate allowance. The Civil Service Regulations does not apply to such a case and the only Section of the Bangalore Municipal Law that can apply is Section 22 which fixes no limit to the amount. In this view of the matter, I do not think there is any legal impediment to the sanction of the Resident being granted to what appears to be the intention of the Commission.

5.1.33



Mil under 9.1.33

Please see from para 14 ante.

(17)

Para 16 of the Government Pleader's note gives a new and different aspect to the Municipal Commission's resolution at 1/a. If approved, these notes may be sent U/O to F.A. who is also the Auditor of the Municipal Commission, for favour of his remarks.

(From para 17)

Sheriff
9.1.33

Please see also Linked File.

delinked
18.1.33

It would appear from paragraph 6 of these notes that the Municipal Auditor, who is also the Financial Adviser to the Hon'ble the Resident, held the view that the Resident was competent to grant to Mrs. Kashikar an allowance equal to full pension, ~~under article 353 of the Civil Service Regulations~~

~~Regulations~~ though the particular section of the Bangalore Municipal Law under which the Resident ~~may~~ might grant such an allowance ~~has~~ was not ~~been~~ stated.

Para 16 of note.

According to the Government Pleader, the Civil Service Regulations do not apply to the present case, but a monthly payment equal to full pension can be sanctioned by the Resident under section 22 of the Bangalore Municipal Law. Section 22 speaks however of only "giving a gratuity" or "purchasing an annuity" though the side heading of the section reads as "special pension or gratuity".

There appears to be no doubt as to the Resident's power to sanction a monthly allowance of Rs.20-13-0, by whatever name we may call it. In the circumstances of the case, we may, if approved, accept the Government Pleader's view that section 21 does not apply to the case and sanction a "special pension" of Rs.20-13-0 per mensem under section 22 of the Bangalore Municipal Law.

If necessary, the file can be seen u.o. by the Financial Adviser for his remarks, if any, on this suggestion.

(From para. 13)

17.1.33

To

The Financial Adviser to the Hon'ble the Resident.

U/O No. 452

Dt. 19th Jan. 1933

I agree with the view expressed in para 20 of the Notes.

In all cases of relaxation of the ordinary pension rules in the Civil Service Regulations, Section 22 of the Bangalore Municipal Law applies.

21.1.1933

The Secretary to the Hon'ble the Resident in Mysore, Bangalore
U.O.No. 112 dated 21st January 1933.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
23 JAN. 1933
Regd. 693
File 525-31

Nil index
24.1.33

Please see para 22 ante.

A revised draft is submitted for approval.

Sheriff
25.1.33

(From para 22)

Sec. Does this mean that the dead annuity may be granted if the deficiency in her service is condoned? Subbu. to speak.

(6) On the 30th September last, the Municipal Commission passed a Resolution to the effect that one of their employees should get a full pension under article 353(2) of the Civil Service Regulations condoning the deficiency of service under the provisions of article 423(1), which is not possible. She can get only two-thirds pension. The Commission may be asked to amend their resolution ~~which is prohibited by law.~~

(7) It is perfectly clear that if they want their employee to get a sum equal to the full pension they must not ~~go in for~~ the aid of Article 423(1) of the Civil Service Regulations, but must rely upon section 22 of their own Law which gives the Resident unlimited discretion. Whether the Articles of the Civil Service Regulations by which an employee is bound should be relaxed is another matter. This fact may be brought to the notice of the President, Municipal Commission, for his remarks.

Resident

S.N. 3.

Letter No. 5482/32, dated the 5th April 1933, from the President, Municipal Commission, C & M Station, Bangalore.

Please see S.N. 1 and 2.

The draft already passed by the Secretary may now issue?

Sheriff
11.4.33

(From para. 28)

13/4

Secy.
i

15-4

Resident

17/4

S.N. 4.

Issued No. 3029, dated the 20th April 1933.

CORRESPONDENCE.

H. O.
14 2,000—16—7—1931.

No. 5482/32 CIVIL AND MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.
DATED 11th October 1932.

Encl: 2.

From

G. H. COOKE, ESQ., M. C., I. C. S.,
President, Municipal Commission,
C. & M. Station, BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
13 OCT 1932
Regd. No. 5186
File No. 525/31

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Indexed
14-10-32

SIR,

I have the honour to forward, herewith, a copy of the Commission's resolution No.12, dated the 30th September 1932, and to request that, as proposed therein, the Hon'ble the Resident may be pleased to condone the deficiency of 2 months and 13 days in the service of Mrs. G. Kashikar, late Lady Health Visitor, Health Department, under Article 323 (1) of the Civil Service Regulations and to accord sanction under Section 21 Bangalore Municipal Law, to the payment of the pension then admissible to her under Article 474 of the Civil Service Regulations viz., Rs.20-13-0 per mensem with effect from the 31st August 1932.

2. Mrs. Kashikar was removed from service under Article 353 of the Civil Service Regulations but considering the circumstances under which her services were obtained for the Municipal Maternity and Child Welfare work and in view of the fact that she has put in a service of 9 years, 9 months and 17 days, the Municipal Commission propose to treat her case, as a special one, by condoning the short deficiency of 2 months and 13 days in order to make the total service 10 years and to grant her a pension, which she prefers to the gratuity she is eligible under the rules if the deficiency is not condoned.

3. An application for pension is enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

President, M. C.

MVL.
Dt. 11.10.32

11a

Municipal Commission's resolution dated the 30th September 1932. (Ordinary meeting).

---

12. Consideration of the question of granting either a gratuity or a pension to Mrs. G. Kashikar, Lady Health Visitor, Health Department.

Recommended that the Resident be requested to condone the short deficiency of services and to grant the pension then admissible.

Resolved that the Hon'ble the Resident be requested to condone the deficiency of 2 months and 13 days in the service of Mrs. G. Kashikar, late Lady Health Visitor, Health Department, under the provisions of Article 423 (1) of the Civil Service Regulations, and accord sanction to the payment of the pension then admissible to her viz. Rs.20-13-0 per mensem.

(Sd). G. H. Cooke,
President, M. C.

(File No.118 of 1932).

" Copy. "

11/7/32

MVL.

1/6

APPLICATION FOR PENSION OR GRATUITY.

1. Name of Applicant. Mrs: G. Kashikar.
2. Father's name. Mr. Bomodar Ramachandra Gune.
3. Race, Sect and Caste. Brahmin.
4. Residence showing Village and Pergunnah. Bangalore.
5. Present or last employment, including name of establishment. Lady Health Visitor (M. & C. W. Establishment).
6. Date of beginning of Service. 15-11-1922.
7. Date of ending of Service. 31-8-1932.

	Y. M. D.
8. Length of service, including interruptions	9-9-17
of which superior	9-9-17
inferior	Nil.
non-qualifying and interruptions	Nil.

9. Class of pension or gratuity applied for, and cause of application. Compensation pension.
10. [Average] emoluments or pay. Rs: 125/- per mensem.
11. Proposed pension. Rs: 20-13-0 per mensem.
12. Proposed gratuity. Nil.
13. Date from which pension is to commence. 1-9-1932.
14. Place of payment. Bangalore.
15. Date of Applicant's birth by Christian era.* 20th May 1891.
16. Height. 4 feet 3 inches.
17. Marks. Two raised moles at an interval of an inch in the right cheek.
18. Date. 2nd August 1932.

If the application is for a compensation pension or gratuity, the nature, of the change of establishment which has given rise to the claim should be fully stated.

(*If not known exactly, must be stated on the best information or estimate.)

President, Municipal Commission,
Civil & Military Station, Bangalore.

HISTORY OF THE (SERVICE SHOWING INTERRUPTION) OF

Establishment.	Appointment.	Pay.	Acting allowance.	Date beginning.	Date of ending.	Period reckoned as service.			Period not reckoned as service.			Remarks.	How verified.	Remarks.
		RS.	RS.			Y.	M.	D.	Y.	M.	D.			
Lady Health Visitor.	Substantive.	100/-	-	15-11-'22	14-11-'23	1	-	-	-	-	-	-	With the Service Register and acquittance rolls.	
— do —	— do —	105/-	-	15-11-'23	14-11-'24	1	-	-	-	-	-	-		
— do —	— do —	110/-	-	15-11-'24	14-11-'25	1	-	-	-	-	-	-		
— do —	— do —	115/-	-	15-11-'25	14-11-'26	1	-	-	-	-	-	-		
— do —	— do —	120/-	-	15-11-'26	14-11-'27	1	-	-	-	-	-	-		
— do —	— do —	125/-	-	15-11-'27	31-8-'32 ×	4	9	17	-	-	-	-		
									✓					
	Total period of Superior Service					9	9	17	-	-	-	-		

REMARKS BY THE PRESIDENT.

1. As to character and past conduct of Applicant. Good.
2. Explanation of any suspension or degradation. Nil.
3. Regarding any gratuity or pension already received by Applicant. (*See* Chapter XXI.) Nil.
4. Explanation under Article 427 so far as the Head of the Office can give it. Nil.
5. Any other remarks. Nil.
6. Specific opinion of Head Office whether the service claimed is established and should be admitted ~~or not~~ [*See* Article 911 (*b*)]. yes.

CERTIFIED that (subject to the remarks below recorded) qualifying service in ~~inferior or~~ superior grades has been duly proved for 9 years 9 months 17 days; and that a (pension ~~or gratuity~~) not exceeding Rs. 20-13-0 per mensem, is admissible under Article 474 (b) of the Civil Service Regulations. The calculations have been duly verified. The (pension ~~or gratuity~~) is chargeable to (~~here specify whether to General Revenues, or to what Fund~~.) Municipal Funds.

after condoning the deficiency of 2 months and 13 days.

If the deficiency of 2 months and 13 days is Condoned vide C.S.R. 423(1) Mrs: Kashikar will be eligible to draw a pension of Rs: 20-13-0 per mensem.

(Sd). M. R. Govindhan,
Health officer.

President, Municipal Commission,
Civil & Military Station, Bangalore.

Sent. 10-10-1932.

Draft.

No. 1933 Dated 1—3—1933.

From

The Secretary to the Resident.

To

The President,
Municipal Commission,
Civil & Military Station,
Bangalore.

Subject:- Grant of a pension of Rs.20-13-0 p.m. to Mrs. Kashikar, late Lady Health Visitor of the Station Municipality.

Sir,

S.N.1 A

I am directed to refer to your letter No.5482/32, dated the 11th October, 1932 and to state as follows:-

Enclosure to S.N.1 A

The Municipal Commission's resolution of the 30th September, 1932 is to the effect that the Hon'ble the Resident be requested to condone the deficiency of 2 months and 13 days in the service of Mrs. Kashikar under article 423(1) of the Civil Service Regulations and to accord sanction to

(P)

the

the payment of a pension of Rs.20-13-0 p.m. which will then be admissible to her. It ~~is seen~~ appears from paragraph 2 of your letter under reference that Mrs. Kashikar was removed from service under Article 353 of the Civil Service Regulations. Under clause 2 of this article the allowance granted to her shall not exceed 2/3rds of the pension which would have been admissible to her if she had retired on medical certificate. If, therefore, the deficiency in her service is condoned under Article 423(1) of the Civil Service Regulations, she will be eligible only for an allowance of 2/3rd of Rs.20-13-0. If the Municipal Commission want ~~that~~ Mrs. Kashikar ~~should~~ 6 get a sum equal to the full pension, they should rely not on article 423(1) of the Civil Service Regulations but on section 22 of their own Law which

is

is intended to provide for all cases of relaxation of the ordinary pension rules in the Civil Service Regulations. I am to request that, in the light of these remarks, the Municipal Commission's resolution of the 30th September, 1932 be suitably be amended.

2. I am also to request that you will kindly favour the Hon'ble the Resident with your remarks as to whether this is a fit case for the relaxation of the ordinary pension rules and the grant of a special pension of Rs.20-13-0 under section 22 of the Bangalore Municipal Law.

I have, etc.,

SECRETARY TO THE RESIDENT.

Enclosure to S.N.1

3

H.O.
14 2,000—16—7—1931.

No. 5482/32

CIVIL AND MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.
DATED 5th April 1933.

From

G. H. COOKE, ESQ., M. C., I. C. S.,
President, Municipal Commission,
C, & M. Station, BANGALORE.

To

The Secretary to the Hon'ble the Resident
in Mysore,
BANGALORE.

SIR,

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
7 APR. 1933
Regd. No. 3215
File. No. 525-31

Subject:-Grant of a pension of Rs.20-13-0 per mensem to Mrs. G. Kashikar, late Lady Health Visitor, of the Station Municipality.

With reference to your letter No.1933/525-1931 dated the 1st March 1933, on the above subject, I have the honour to state that, as suggested in your letter, the Municipal Commission, in modification of their resolution No.12 dated the 30th September 1932, propose to grant a special pension of Rs.20-13-0 per mensem to Mrs. G. Kashikar under the provisions of Section 22 of the Bangalore Municipal Law. I enclose a copy of the Commission's resolution No.3, dated the 30th March 1933, on the subject, and request that the Hon'ble the Resident may be pleased to confirm it.

2. I am of opinion that this is a fit case in which to relax the ordinary pension rules and to grant a special pension of Rs.20-13-0 per mensem as now proposed by the Commission.

I have the honour to be,

Sir,

Your most obedient servant,

PRESIDENT, M. C.

DIW.

Municipal Commission's resolution dated the 30th March 1933. (Ordinary Meeting).

S.N.2 B

3. Letter dated the 1st March 1933 from the Secretary to the Resident in regard to the question of the grant of a special pension to Mrs. G. Kashikar, late Lady Health Visitor, Health Department.

Recommended.

S.N.11a Enc. to A

Resolved that, in modification of the Commission's resolution No.12, dated the 30th September 1932, Mrs. G. Kashikar, late Lady Health Visitor, Health Department, be granted a special pension of Rs.20-13-0 per mensem under the provisions of section 22 of the Bangalore Municipal Law.

(File No.118 of 1932).

(Sd). G. H. COOKE.
PRESIDENT, M.C.

DIW.

(C o p y).

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 3029 4 DATED BANGALORE, 20th April 33

FROM

SECRETARY TO THE RESIDENT IN MYSORE.

To

The President,
Municipal Commission, C & M Station,
Bangalore.

Reference Correspondence ending with. his/your letter/Memo. No. 5482/32, dated 5-4-33.

S.N. 3
P. n e

Subject.

Requesting sanction to the payment to Mrs. Kashikar of a pension of Rs 20-13-0 per mensem with effect from 1st September 1932.

Put up in another connection

Under Section 22 of the Bangalore Municipal Law, the Hon'ble the Resident is pleased to sanction the payment from the Municipal Funds of a special pension of Rs 20-13-0 (rupees twenty and annas thirteen only) per mensem to Mrs. G. Kashikar, late Lady Health Visitor, Health Department, C & M Station, Bangalore, with effect from the 1st September 1932.

S. 26.4.33
M.H. 13/4

Compared
H. N.
11.4.33

Sheriff 25.1.33

SECRETARY TO THE RESIDENT.